

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MARIA JACKSON,

Plaintiff,

-against-

08 Civ. 1064 (LAK)

THE SCOTTS COMPANY,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge.*

On February 21, 2008, the Court directed plaintiff's counsel to show cause, on or before March 4, 2008, why she should not be sanctioned on the ground that her statement in a notice of motion – viz. that “[t]he plaintiff in this case has claims of disparate treatment and retaliation against the defendant arising under New York state worker’s compensation laws” – violated Fed. R. Civ. P. 11(b)(2) and/or 11(b)(3) on the ground that it was devoid of legal or factual support. Plaintiff’s counsel, Ms. Frelix, has not responded to the order.

The Court hereby finds that the quoted statement (a) was not warranted by existing law or by a nonfrivolous argument for extending, modifying or reversing existing law or for establishing new law and, (b) to the extent it might be regarded as a factual contention (i.e., concerning the content of the pleadings in this case), it lacked evidentiary support and was unlikely to have evidentiary support after a reasonable opportunity for further investigation or discovery. Accordingly, the Court finds that plaintiff’s counsel, Sandra D. Frelix, Esq., violated Fed. R. Civ. P. 11(b)(2) and 11(b)(3) as indicated. She is sanctioned in that she shall pay to the Clerk of the Court the sum of \$750 on or before March 19, 2008.

SO ORDERED.

Dated: March 5, 2008



Lewis A. Kaplan
United States District Judge

